



US Army Corps
of Engineers
Portland District

PUBLIC NOTICE

for Permit Application

Issue Date: August 19, 2003

Expiration Date: September 8, 2003

Corps of Engineers Action ID: 200201010

Oregon Division of State Lands Number: 26392-RF

20-Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

Comments: Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Eugene Field Office
CENWP-OP-GE (Ms. Michele E. Hanson)
1600 Executive Parkway, Suite 210
Eugene, Oregon 97401

Applicant: Mr. Dave Zientara
3153 Tanner Park Road
Eugene, Oregon 97405

Location: The site is located on Bertelson Road, approximately one-fourth mile south of the intersection with Willow Creek Road in the city of Eugene, Lane County, Oregon. Work would occur in the SW ¼ of Section 3, Township 18 South, Range 4 West.

Project Description: The applicant proposes to discharge fill material into 1.27 acres of wetlands adjacent to a tributary to Willow Creek to construct an 18-lot residential subdivision on a 2.5-acre parcel. The lots would average in size from 1,000-1,500 square foot. The property is located within the Urban Growth Boundary of the city of Eugene, and the wetlands have been identified as suitable for development in the West Eugene Wetland Conservation Plan. The property is zoned R1 (low density residential).

The development would require construction of a 28-foot wide access street with a 5.5-foot wide sidewalk and curb and gutter for each side for a total width of 39 feet. The entire site would require grading to achieve adequate drainage for the construction of the access road and homes. Stormwater would be pre-treated onsite using a dual-chambered catch basin with an oil/water separator and filter mechanism prior to discharge into the City's stormwater system. The staging area has not been identified, however, the applicant anticipates it would be located in the southern, driest portion of the property, which has been identified as upland.

Mitigation: The applicant has proposed to purchase credits from an approved wetland mitigation bank with the appropriate service area. If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

Purpose: The purpose of the project is to provide affordable housing in the city of Eugene for elderly people who wish to live independently.

Drawings: Seven (7) drawings are attached.

Additional Information: Additional information may be obtained from Ms. Michele E. Hanson, Project Manager, U.S. Army Corps of Engineers at (541) 465-6878 or michele.e.hanson@nwp01.usace.army.mil.

Authority: This permit will be issued or denied under the following:

Sections 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

Section 404(b)(1) Evaluation: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

Public Hearing: Any person may request in writing that a public hearing be held to consider this application within the comment period specified in this notice. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

Endangered Species: Preliminary determinations indicate that the described activity will not affect endangered species or their critical habitat designated as endangered or threatened under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity. A survey for threatened and endangered plant species was completed on March 20, 2003. No listed plants were identified as a result of the survey.

Cultural Resources: There are no recorded historic properties within the permit area. The permit area has been so extensively modified by modern development, and there is little likelihood the proposed project will affect an undisturbed historic property or other type of cultural resource.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

PUBLIC NOTICE
Oregon Department of Environmental Quality
Water Quality 401 Certification

Corps of Engineers Action ID Number: 200201010

Notice Issued: August 19, 2003

Oregon Division of State Lands Number: 26392-RF **Written Comments Due:** September 8, 2003

WHO IS THE APPLICANT: Mr. Dave Zientara
3153 Tanner Park Road
Eugene, Oregon 97401

LOCATION OF CERTIFICATION ACTIVITY: See attached U.S. Army Corps of Engineers public notice.

WHAT IS PROPOSED: See attached U.S. Army Corps of Engineers public notice on the proposed project.

NEED FOR CERTIFICATION: Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

DESCRIPTION OF DISCHARGES: See attached U.S. Army Corps of Engineers public notice on the proposed project.

WHERE TO FIND DOCUMENTS: Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

PUBLIC PARTICIPATION:

Public Hearing: Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

Written comments:

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on **September 8, 2003**. Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390 or faxed to (503) 229-6124. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format at deq.info@deq.state.or.us. Otherwise due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

WHAT HAPPENS NEXT: DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise if you wish to receive notification, please call or write DEQ at the above address.

ACCESSIBILITY INFORMATION: This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

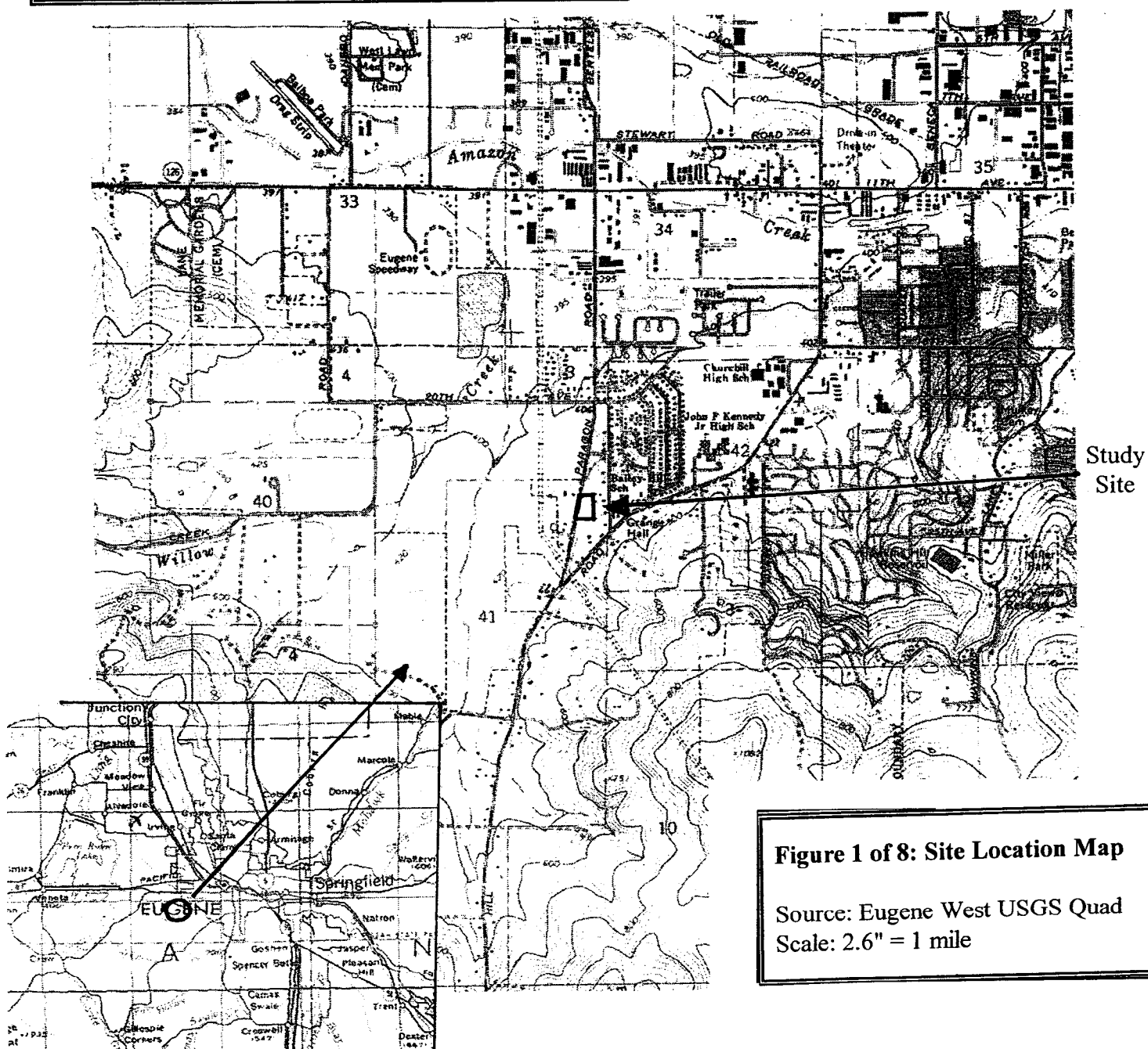
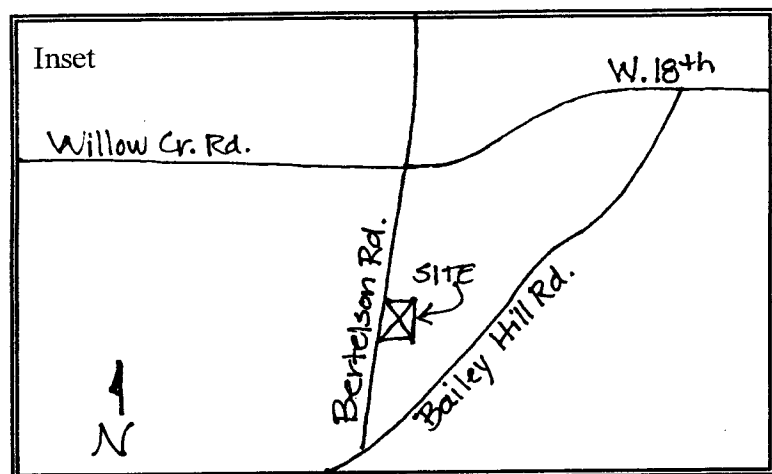


Figure 1 of 8: Site Location Map

Source: Eugene West USGS Quad
Scale: 2.6" = 1 mile

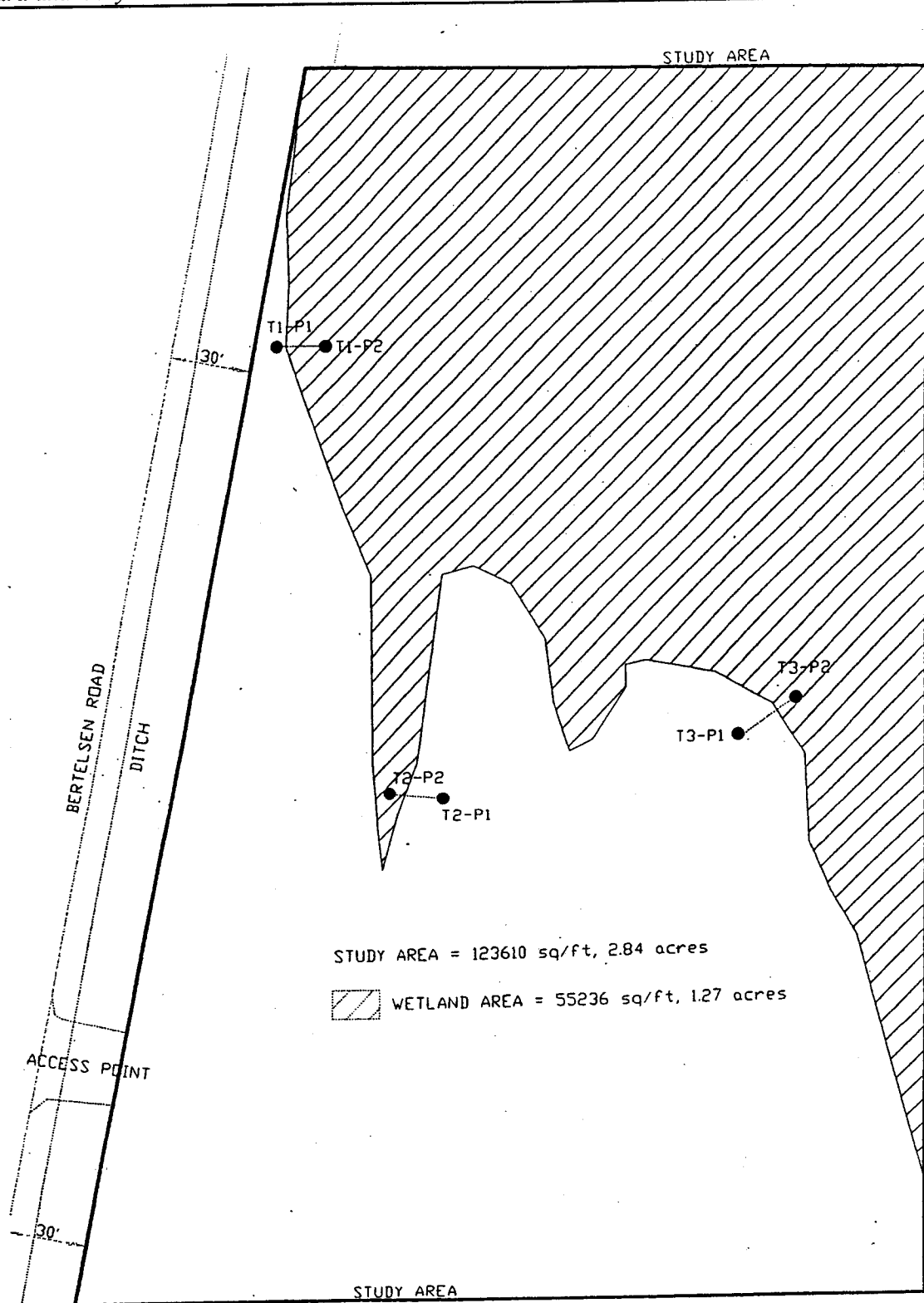


Figure 2 of 8: Wetland Delineation Map

Source: Environmental Solutions NW
August 2002

Approximate scale 1 inch = 60 feet
0 60 120

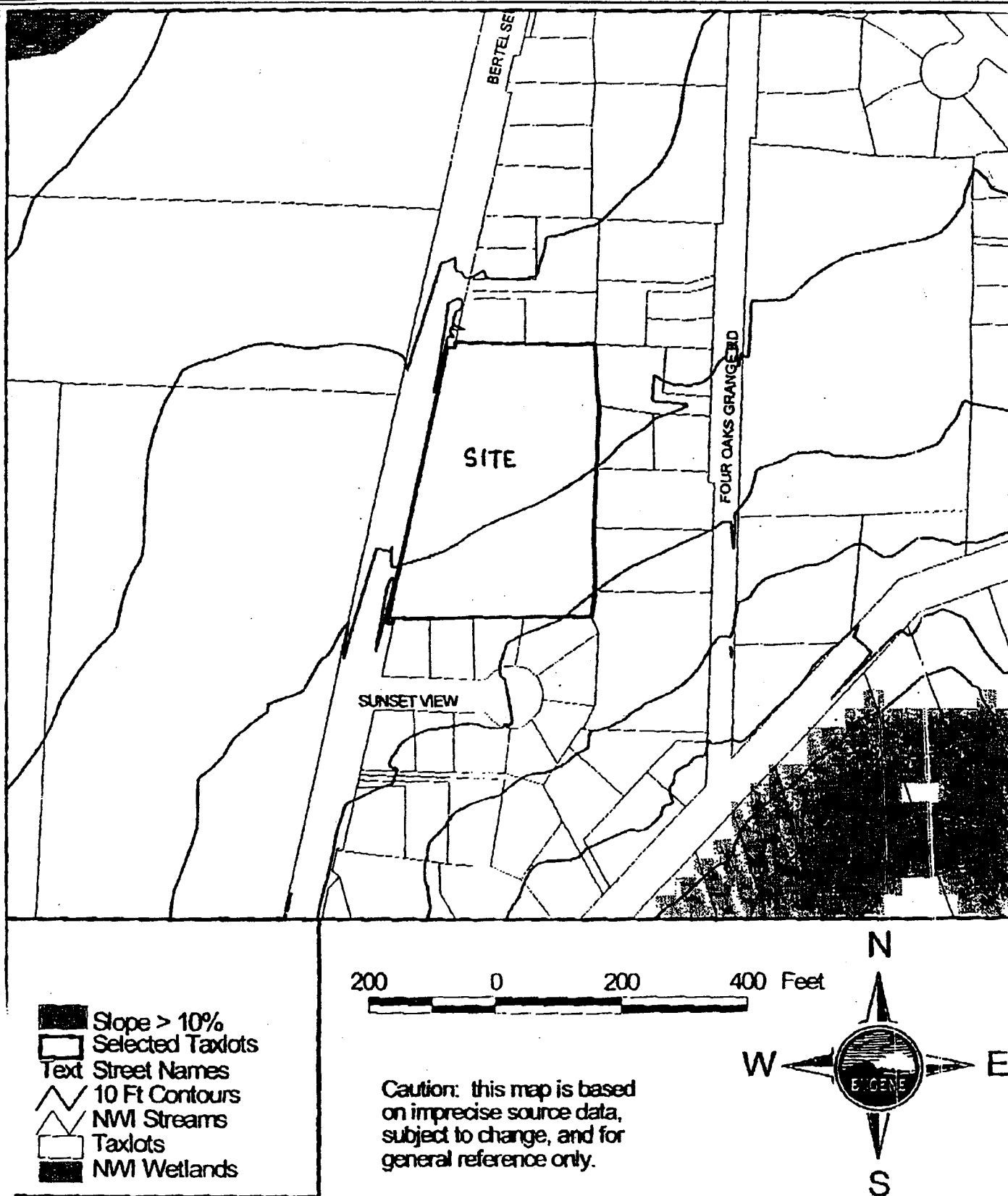


Figure 8 of 8: Pre-construction Contours of Project Site

Because site has a slope less than 5%, grading for construction will only be to provide grade for road, homes, and driveways

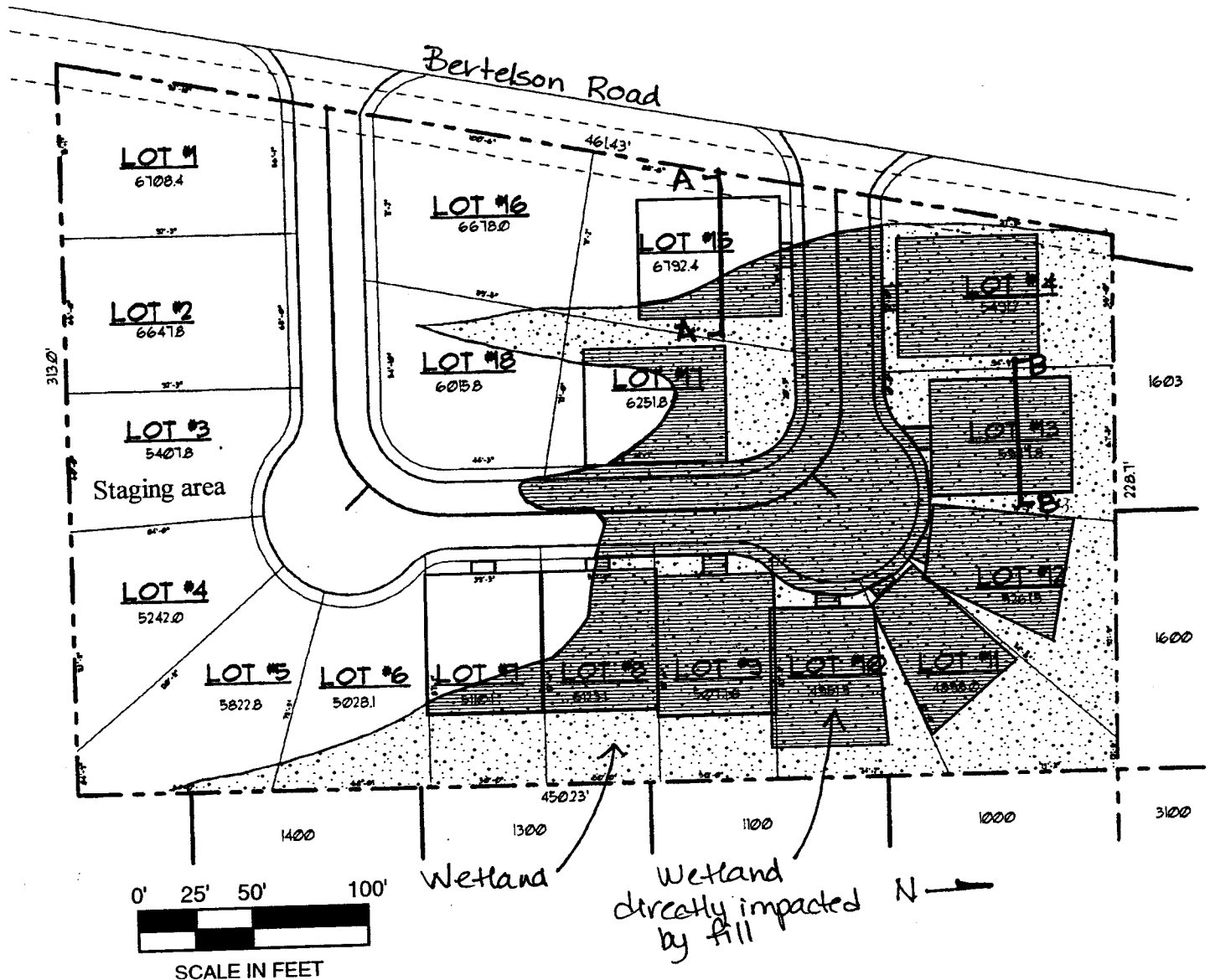


Figure 3 of 8: Alternative 1-Full Wetland Impact (1.27 acres of palustrine emergent wetland impacted)

18 lots at 4900-6800 sq ft each, homes 1000-1200 sf each, driveways, street with curbs, gutters, sidewalks. Although improvements will be located on wetland, including fill for backfill and minimal landscaping, some wetland area will not be directly impacted with fill. However, it is anticipated that homeowners will landscape with lawns and plantings, which would ultimately result in impacts to entire wetland area (direct impacts = fill and indirect impacts = plantings).

This alternative provides greatest financial return for landowner, and meets the development/zoning needs for the City of Eugene. Property has been designated for future fill/development by City of Eugene and Lane County, in West Eugene Wetlands Conservation Plan (November 2000). Mitigation for impacts is proposed through purchase of 1.27 credits in West Eugene Wetland Mitigation Bank. By mitigating for entire wetland impact, future individual property owners will not have to apply for Removal/Fill permits for individual projects.

Shapes indicated on lots with wetlands are for 1200 sf home plus band of backfill 10 feet wide around perimeter. Cross-sections indicated as A-A, refer to Figure 7.

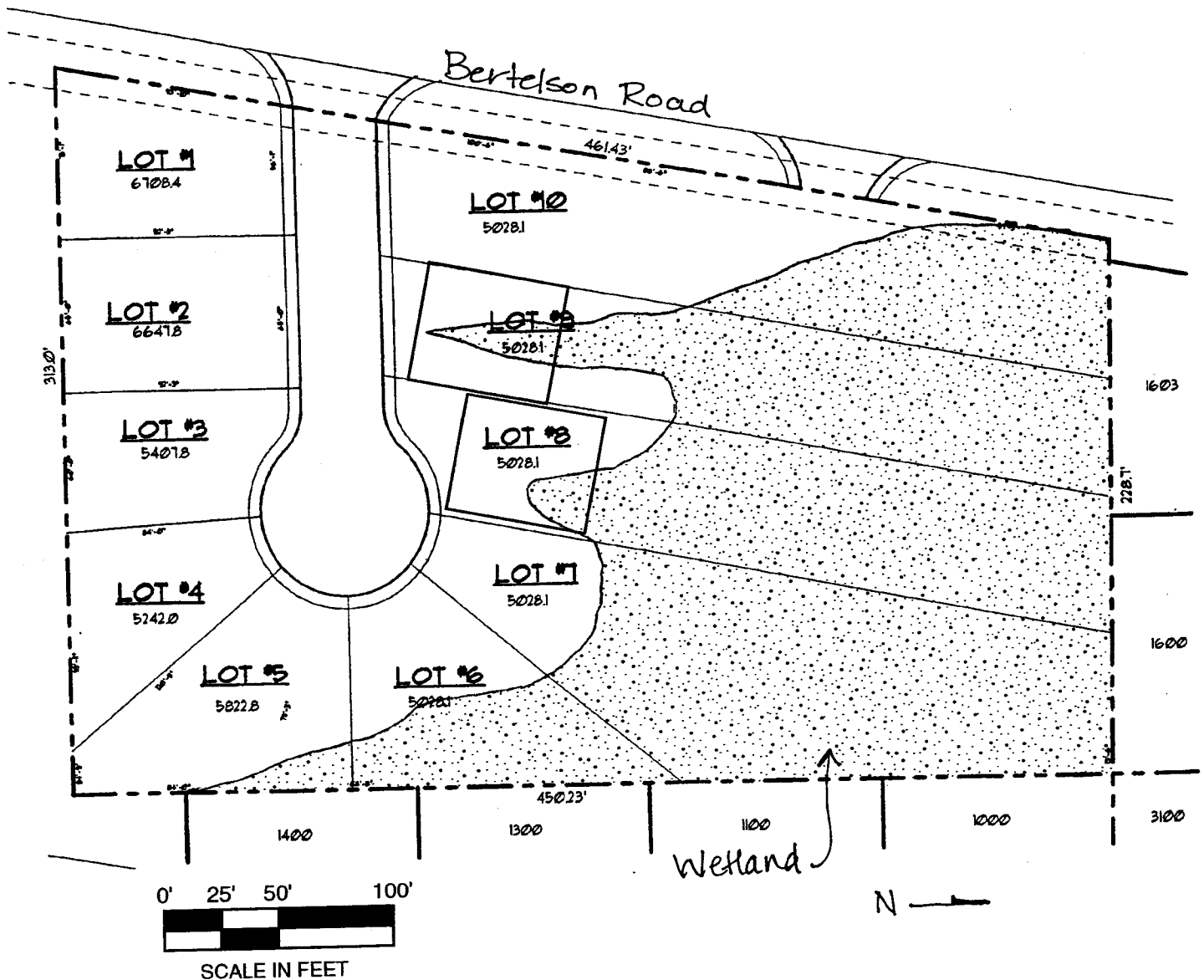


Figure 4 of 8: Alternative 2-Minimal Wetland Impact (0.025 acres of palustrine emergent wetland impacted)

10 lots and culdesac developments located at south portion of property, primarily in upland. Lots 5-10 include areas of wetlands that will be avoided with construction of homes and driveways. All improvements would be located and sized so as to minimize impacts to wetlands to the greatest extent possible. Direct impacts from fill for home on lots 8 and 9 only, homes could be sited on lots 5-7 and 10 so as to avoid wetlands. This alternative considered, but does not provide sufficient financial return, and only minimally meets the development/zoning needs for the City of Eugene.

Shapes indicated on lots with wetlands are for 1200 sf home plus band of backfill 10 feet wide around perimeter

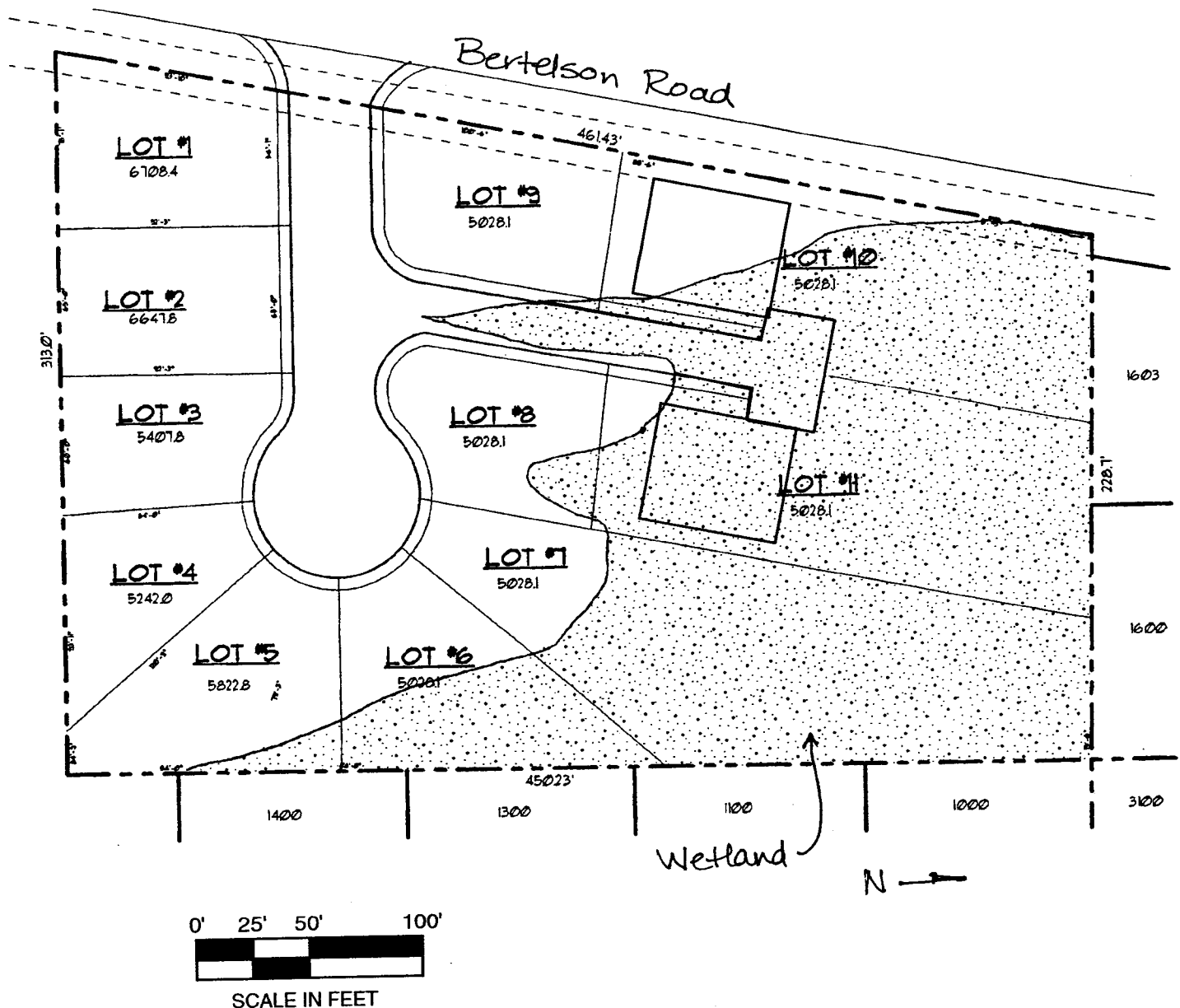


Figure 5 of 8: Alternative 3-Moderate Wetland Impact (0.18 acres of palustrine emergent wetland impacted)

11 lots and culdesac located at south end of property, primarily in upland. Lots 5-8, 10 include avoided wetlands. Homes and driveways on Lots 5-8 and 10 would be located so as to avoid impacts to wetlands to the greatest extent possible. Home on Lot 11 would be entirely in wetland. North culdesac would involve fill and excavation on wetland.

This alternative considered, but does not provide sufficient financial return, and only minimally meets the development/zoning needs for the City of Eugene.

Shapes indicated on lots with wetlands are for 1200 sf home plus band of backfill 10 feet wide around perimeter.

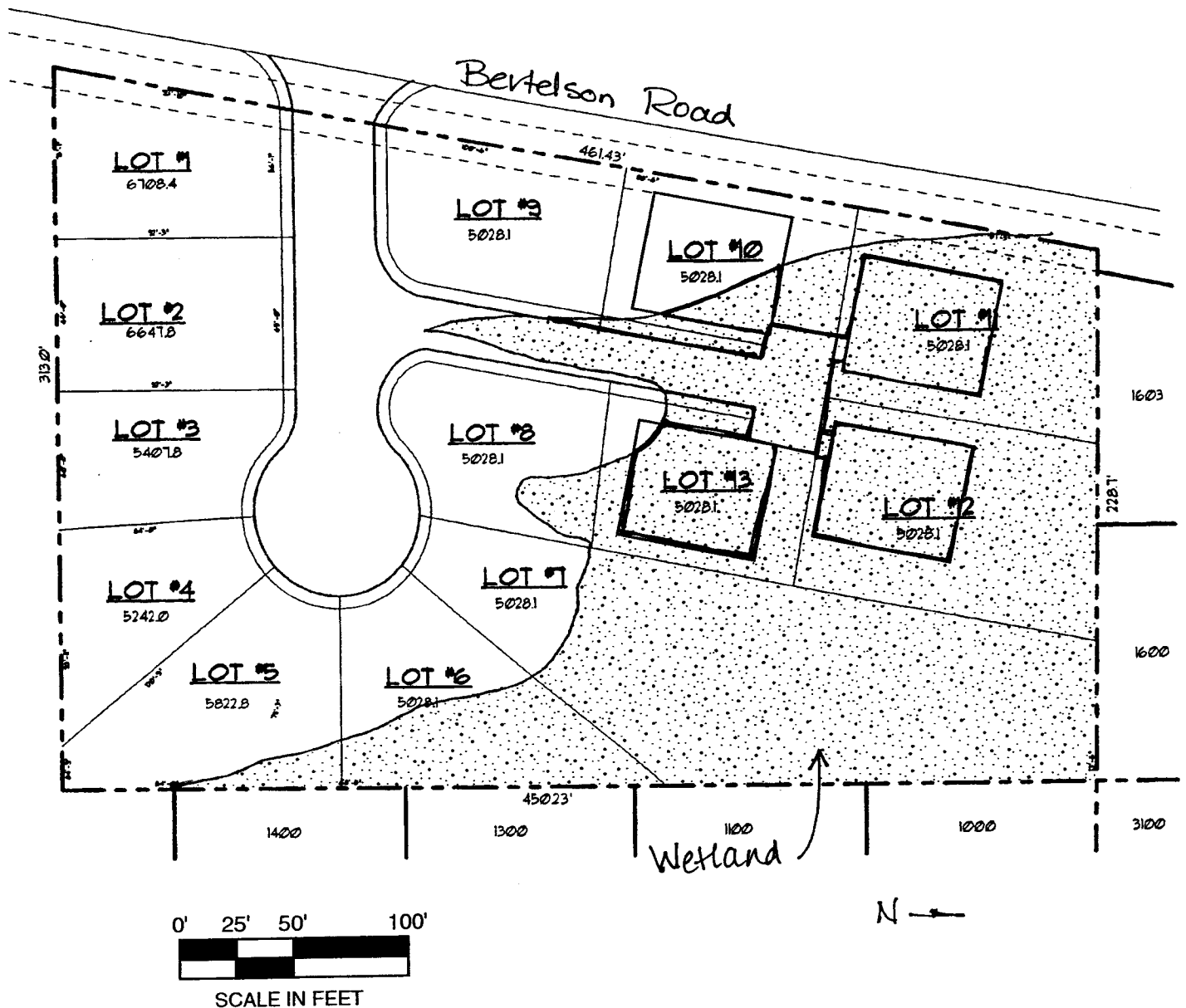
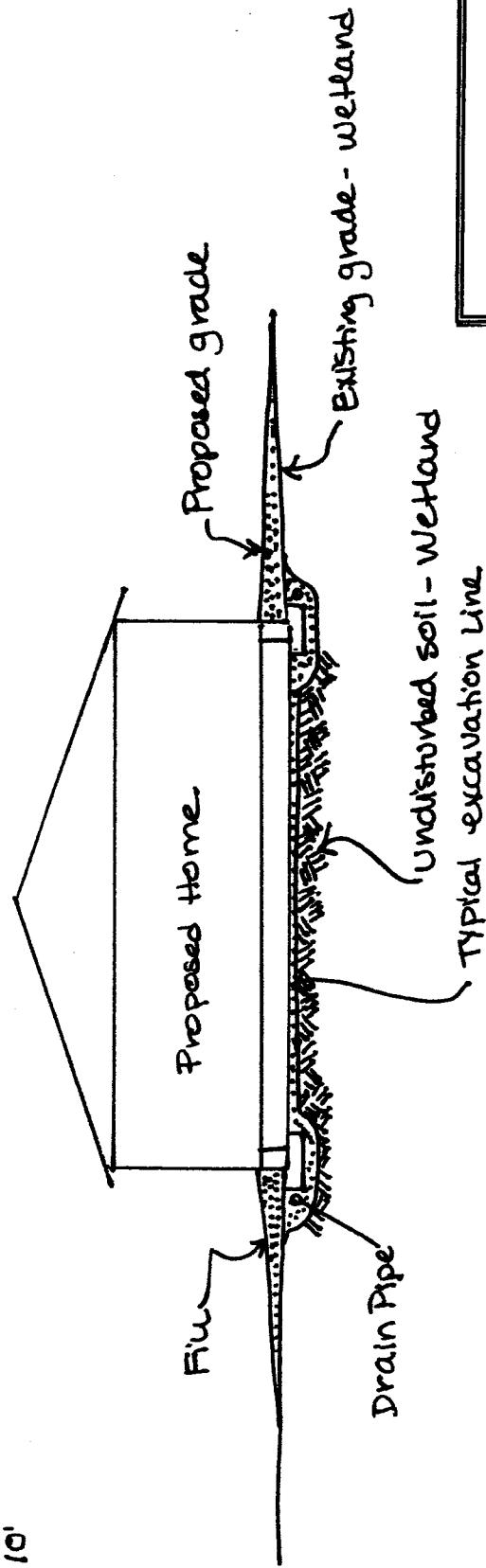
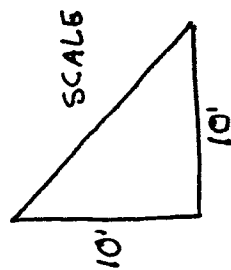
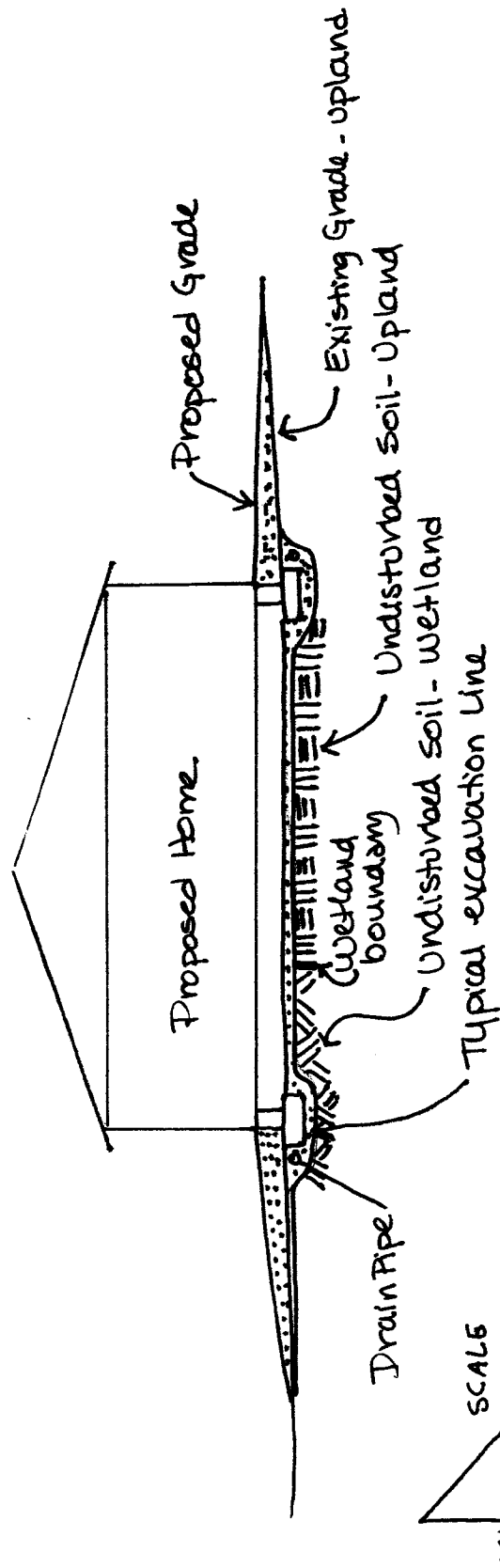


Figure 6 of 8: Alternative 4-Moderate Wetland Impact (0.33 acres of palustrine emergent wetland impacted)

13 lots and double culdesac located at south and west portions of property. Lots 5-8, 10-13 include areas of wetlands that will be avoided with construction of homes and driveways. All improvements would be located and sized so as to minimize impacts to wetlands to the greatest extent possible. Direct impacts from fill for north culdesac and on lots 10-13, homes could be sited on lots 5-8 so as to avoid wetlands. This alternative considered, but does not provide sufficient financial return, and does not fully meet the development/zoning needs for the City of Eugene.

Shapes indicated on lots with wetlands are for 1200 sf home plus band of backfill 10 feet wide around perimeter

Home for Lot 15, partially in wetland: Cross section A-A



Home for Lot 13, entirely in wetland: Cross section B-B

Figure 7 of 8: Cross Sections